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Attorney for Plaintiff  
WAYNE BERRY

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	<b>Civ. No. CV03 00385 SOM-LEK</b>
	)	<b>(Copyright)</b>
Plaintiff,	)	
	)	<b>DECLARATION OF TIMOTHY J.</b>
vs.	)	<b>HOGAN IN SUPPORT OF</b>
	)	<b>PLAINTIFF WAYNE BERRY'S</b>
HAWAIIAN EXPRESS SERVICE,	)	<b>RENEWED MOTION FOR</b>
INC., a California corporation; et al.	)	<b>JUDGMENT AS A MATTER OF</b>
	)	<b>LAW REGARDING</b>
	)	<b>DEFENDANT'S FAILURE TO</b>
	)	<b>PRODUCE EVIDENCE OF</b>
Defendants.	)	<b>DEDUCTIBLE EXPENSES OR IN</b>
	)	<b>THE ALTERNATIVE FOR NEW</b>
	)	<b>TRIAL; EXHIBIT "1"</b>

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**DECLARATION OF TIMOTHY J. HOGAN IN SUPPORT  
OF PLAINTIFF WAYNE BERRY'S RENEWED MOTION FOR  
JUDGMENT AS A MATTER OF LAW REGARDING DEFENDANT'S  
FAILURE TO PRODUCE EVIDENCE OF DEDUCTIBLE EXPENSES  
OR IN THE ALTERNATIVE FOR NEW TRIAL**

I, TIMOTHY J. HOGAN, am an attorney licensed to practice before all the

courts of Hawaii and I make this declaration under penalty of perjury. All the statements herein are true and correct to the best of my knowledge, information and belief. If called upon to testify regarding the matters contained herein, I am competent and willing to do so.

1. Attached hereto as Exhibit "1" is a true and correct copy of Trial Exhibit "46" admitted on February 28, 2006.

DATED: Honolulu, Hawaii, March 21, 2006.

/s/ Timothy J. Hogan  
TIMOTHY J. HOGAN

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

WAYNE BERRY, a Hawaii citizen;	)	Civ. No. CV03 00385 SOM-LEK
	)	(Copyright)
Plaintiff,	)	
	)	<b>CERTIFICATE OF SERVICE</b>
vs.	)	
	)	
HAWAIIAN EXPRESS SERVICE,	)	
INC., a California corporation; et al.	)	
	)	
Defendants.	)	
_____	)	

**CERTIFICATE OF SERVICE**

I hereby certify that on the dates and by the methods of service noted below, a true and correct copy of the (1) PLAINTIFF WAYNE BERRY'S RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW REGARDING DEFENDANT'S FAILURE TO PRODUCE EVIDENCE OF DEDUCTIBLE EXPENSES; (2) MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF WAYNE BERRY'S MOTION FOR JUDGMENT AS A MATTER OF LAW REGARDING DEFENDANT'S FAILURE TO PRODUCE EVIDENCE OF DEDUCTIBLE EXPENSES; and (3) DECLARATION OF TIMOTHY J. HOGAN IN SUPPORT OF PLAINTIFF WAYNE BERRY'S RENEWED MOTION FOR JUDGMENT AS A MATTER OF LAW REGARDING DEFENDANT'S

FAILURE TO PRODUCE EVIDENCE OF DEDUCTIBLE EXPENSES;

EXHIBIT “1” were served on the following at their last known addresses:

Served Electronically on March 21, 2006 :

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DATED: Honolulu, Hawai'i, March 21, 2006.

/s/ Timothy J. Hogan  
TIMOTHY J. HOGAN  
Attorney for Plaintiff WAYNE BERRY